

REMARKS:

The apparatus Claims 1 through 10 have been cancelled without prejudice.

Claim 11 has been amended so that it now includes the following features which clearly not disclosed in Grether.

- a) Providing a barn containing a containment area having a floor surface. In Grether the device works on the ground outside and there is therefore no floor surface of a containment area.
- b) The sheet material is laid directly onto the floor surface. In Grether the first action of the machine is to remove a layer of the ground to form a material to be deposited on top of the sheet. Therefore the sheet is not laid directly on the floor surface but is instead laid upon a prepared bed under the surface of the ground.
- c) The feed material is maintained separate from the floor surface by the sheet material. The feed material is protected against being lost within the floor surface. In Grether the sheet material is a mesh plastic material (see column 3, line 25). This is necessary because the seeds must grow through the mesh. If the seed is beneath the mesh the leaves will grow upwardly through the mesh. If the seed is above the mesh the roots must grow through the mesh. Thus the

seeds can simply fall through within the layer of soil which has been previously removed. There is absolutely no disclosure therefore in Grether of maintaining the feed material separated from the floor surface since the material deposited onto the sheet is firstly not feed material and secondly must pass through the mesh for the growing action to occur.

- d) Placing the hatchlings on the strip. Grether discloses an entirely different process of growing sod and certainly therefore there are no hatchlings disclosed in this patent at all.
- e) Protecting the hatchlings from engagement with the floor surface while providing access to the feed material on the sheet material. Again the material of Grether is a mesh so that it cannot prevent the hatchlings (if any) from accessing or contacting the floor surface (ground in Grether) and cannot provide access to the feed on the sheet material since the feed is dispersed amongst the soil which passes through the mesh.

It is fully clear therefore that Grether does not disclose any of the above features so the rejection under 35 U.S.C. 102 can no longer be sustained in view of the amendments.

The Examiner will appreciate that Grether relates to an entirely different process of providing a mesh which is used for consolidating and lifting sod at an early stage.

The Examiner has raised no objection against original claim 11 under 35 U.S.C. 103 that the invention as claimed is obvious in view of Grether. It is believed that this absence of any rejection in this regard is entirely proper since there is absolutely no motivation in Grether to utilize the disclosure of Grether in the process of raising hatchlings, which is from an entirely different field and uses an entirely different material than the hatchling raising process. Grether necessarily allows the material to pass through the mesh material. The process of the present invention necessarily requires that the materials do not pass through but are protected on the upper surface of the sheet both in regard to the hatchlings themselves and to the feed around them.

It is submitted therefore that no person in the art of raising hatchlings would in any way look to the teaching of Grether nor would be in any way motivated by the teaching of Grether to utilize this in the rearing of hatchlings. Yet further the shaving of the initial ground surface in advance of the laying of the mesh renders the arrangement entirely useless in regard to the raising of hatchlings. The whole disclosure of Grether therefore leads to a conclusion that it is useless in the field of raising hatchlings so that no objection under 35 U.S.C. 103 should be sustained.

Minor amendments have been made in the claims for consistency of language, taking into account the amendments made as set forth above.

In view of the foregoing, further and favourable reconsideration of this application is respectfully requested.

Respectfully submitted

ANDREW MAENDEL

PER:

Adrian D. Battison
Registration No: 31,726

ADB/II

July 29, 2004

Adrian D. Battison

Winnipeg, Manitoba, Canada
Telephone (204) 947-1429 - FAX (204) 942-5723

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent And Trademark Office on the date shown below.

LYNN LEATHERDALE

Lynn Leatherdale

DATE: July 29/04